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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF ARIZONA

14

15 United States of America,
16 Plaintiff,
17 vs.
18 1. Samuel Rappylee Bateman,
19 2. Naomi Bistline,
20 3. Donnae Barlow, and
21 4. Moretta Rose Johnson,
22 Defendants.

19 No. CR-22-08092-PCT-DGC

20 **REPLY IN SUPPORT OF MOTION TO
21 TRANSFER CASE**

22

23 United States of America,
24 Plaintiff,
25 vs.
26 Josephine Barlow Bistline,
27 a.k.a. Jomie B,
28 Defendant.

23 No. CR-23-00517-PHX-DLR

1 The Government’s motion to transfer the newly-filed case against Josephine Barlow
2 Bistline (“J. Bistline”) is not, as defense asserts, “for its own convenience.” (Doc. 23 at 2.)
3 Rather, the case would most appropriately be heard by the same Judge presiding over the
4 older case against Samuel Rappylee Bateman (“Bateman”) and three of his other wives
5 because the cases necessarily “arise from substantially the same transaction or event”—the
6 federal investigation and subsequent arrest of Bateman—and because to keep them before
7 different judges “would entail substantial duplication of labor.” LRCiv 42.1. The United
8 States seeks only, as defense indicates, to transfer the cases—not to consolidate them at
9 this time.¹ Defendant J. Bistline’s response does not provide any compelling basis for
10 denying the transfer, and the Court should grant the Government’s motion.

11 First, the two cases necessarily “arise from” substantially the same transaction or
12 event, despite J. Bistline’s argument that she is charged with discrete conduct occurring
13 later in time than in Bateman’s case. LRCiv 42.1(1). As has been previously described in
14 this case, Bateman, a self-proclaimed Prophet of the Fundamentalist Church of Jesus Christ
15 of Latter-Day Saints, is a subject in a federal investigation regarding the transportation of
16 minors in interstate commerce to engage in criminal sexual activity, and travel in interstate
17 commerce to engage in illicit sexual conduct with minors, beginning around May 2020. He
18 was arrested by the Arizona Department of Public Safety on April 28, 2022, while towing
19 a box trailer with at least three minor females unsecured inside. While in custody at the
20 Coconino County Jail for this incident, he made calls directing his followers to delete his
21 Signal account. On September 6, 2022, a federal grand jury returned an indictment
22 charging him with Counts 1-3 in the CR-22-08092-PCT-DGC case. (Doc. 3.)

23 Bateman was arrested on his federal arrest warrant on September 13, 2022. At the
24 same time, three search warrants were executed at two residences and a warehouse, where
25 Bateman and his followers, including J. Bistline, were residing. All of his followers were

26
27 ¹ Contrary to defense’s argument, the fact that the cases involve different jury pools
28 is of no significance. The Government is not asking the Court to consolidate the cases at
this time, although J. Bistline is a potential target—and at minimum, a witness—in the
underlying Bateman investigation.

1 interviewed that day. The discovery generated from these searches and mass interviews is
2 voluminous. Based on that investigation, at that time, nine minor girls, all believed to be
3 Bateman's wives, were taken into Arizona Department of Child Services (DCS) custody,
4 including J. Bistline's two daughters.

5 Bateman, from custody, and three of his adult wives then conspired with others to
6 remove the girls from DCS custody. Their communications regarding removing the girls
7 were captured on video and phone calls from CoreCivic. J. Bistline is seen, heard, or
8 mentioned on many of them. On November 27, they succeeded in removing eight of the
9 nine girls from their DCS placements. Law enforcement found the girls in Spokane,
10 Washington, on December 1, 2022. After the missing girls were found, they were returned
11 to AZ DCS custody.

12 On December 14, 2022, the federal grand jury returned a superseding indictment
13 charging Bateman and three of his adult wives with Counts 4-7 in the CR-22-08092-PCT-
14 DGC case. The kidnapping charges (Counts 6 and 7) pertain to Jane Doe 4 (currently 13
15 years old), Jane Doe 8 (currently 12 years old), and Jane Doe 9 (currently 13 years old).
16 Jane Does 8 and 9 are J. Bistline's daughters.

17 J. Bistline has been charged in the new case based on email communications she
18 sent to an AZ DCS Case Manager and a Case Worker regarding the nine girls—who were
19 taken into custody pursuant to Bateman's federal arrest. In fact, multiple emails specifically
20 invoke Bateman and reference the removal of the girls for which Bateman and his three
21 co-defendants are currently charged. As examples, on December 16, 2022, J. Bistline sent
22 an email to L.B., with the subject line "Hi!", stating, in part:
23

24 dcs is doing wrong and they damn well know it. To take them
25 in the first place was something God required of us. Just so CB,
26 and every other amazing ego chaser, looking for the 'honor' of
27 men, will soon find out, God did this to raise Samuel Rappylee
28 Bateman up in the eyes of all nations, and WHEN He gets to
the top, God will turn the tables, from 'bad' to good, and there
will be no holes for dcs and this Wicked FUCKING
government to hide in. WATCH!

1 On December 19, 2022, J. Bistline sent an email to L.B. with the subject line “For
2 [L.] and dcs” stating, in part:

3 You know Samuel Rappylee Bateman is an innocent and pure
4 man, and if you understood who you were trying to 'put down',
5 you would see, that you have been siding with Judas Iscariot,
6 and Haman of old, and VERY SOON, they will hang
7 themselves, on their own gallows. You will be among them,
unless you repent, and confess you have done the wrong dam
thing, and fix it. I know you can, and with God's help, I believe
you will.

8 On March 17, 2023, J. Bistline sent an email L.B. with the subject line
9 “Re:Reminder” stating, in part:

10 Samuel Rappylee Bateman, God's Servant here on earth, will
11 be held up in the eyes of ALL Nations, and every single
12 individual who 'puts forth their puny arm' to stop it will be put
down.

13 On March 24, 2023, J. Bistline sent an email to C.B. with the subject line “Good
14 Morning!” stating, in part:

15 Because of what you have done, the part you have played in
16 trying to rip apart the family of Samuel Rappylee Bateman,
17 God's Servant, and who is like Him, pure and innocent, the part
18 you knowingly and wickedly played, for whatever motive- it
will cost you, dearly. WATCH!

19 While technically J. Bistline's emails involve conduct on a different date than
20 Bateman's directive to delete his Signal account, and his and his adult wives' role in
21 kidnapping minor females from AZ DCS custody, the cases necessarily “arise from”
22 substantially the same event or transaction, as contemplated in the applicable Local Rule.
23 Bateman's federal investigation and arrest precipitated the girls' placement in AZ DCS
24 custody, the very subject of and basis for J. Bistline's threatening email communications.

25 Further, a full understanding of the email communications would “entail substantial
26 duplication of labor if heard by different Judges.” LRCiv. 42.1(A)(5). Judge Campbell is
27 already familiar with the underlying conduct involving Bateman and his three other
28

1 charged wives, which is directly relevant to both the context and content of J. Bistline's
2 email communications.

3 Additionally, both cases involve thousands of pages of identical discovery and more
4 than one thousand jail calls and videos between Bateman and all of his followers, including
5 J. Bistline, some of which have already been the subject of litigation before Judge
6 Campbell. Contrary to defense's assertion, this is directly related to the fact that the cases
7 "would entail substantial duplication of labor if heard by different Judges." LRCiv.
8 42.1(A)(5).

9 To further illustrate the point, Judge Campbell has entered a protective order
10 pursuant to Fed. R. Crim. P. 16(d)(1), first as to defendant Bateman, and ultimately as to
11 all four defendants in the CR-22-08092-PCT-DGC case. The protective order is intended
12 to protect not only personal identifying information, but also confidential human source
13 information. Undersigned counsel has since proposed the exact same protective order to
14 counsel for defendant J. Bistline in the CR-23-00517-PHX-DLR case, since the discovery
15 will be virtually identical. Counsel Mark Paige has indicated to the Government that he
16 objects to some of the provisions of the proposed protective order. It would make much
17 more sense for the Judge who is already familiar with that protective order—regarding the
18 same discovery—to address the parties' dispute. Having a different Judge decide the
19 forthcoming motion for a protective order would not only result in duplication of efforts,
20 but without proper context, could potentially undermine Judge Campbell's order in the
21 overarching investigation if a contrary or inconsistent order was issued.

22 The Government is simply requesting that the new case against J. Bistline be heard
23 by the same District Court Judge already familiar with the case against Bateman and three
24 of his other wives and the facts and context underlying J. Bistline's case. The transfer is
25 appropriate under two separate grounds pursuant to LRCiv 42.1. The motion should be
26 granted.

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Respectfully submitted this 17th day of April, 2023.

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s/ Lindsay L. Short
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CERTIFICATE OF SERVICE

I hereby certify that on this same date, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing a copy to the following CM/ECF registrant:

Attorneys for the defendants in CR-22-8092-PCT-DGC

Mark Paige, attorney for defendant Josephine Barlow Bistline in No. CR-23-00517-PHX-DLR

s/Keona L. Ross
U.S. Attorney's Office